



PATENT

Attorney Docket No.: A-67209-4/RMS/DCF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

WALT, et al.

Serial No. 09/816,651

Filed: March 23, 2001

For: METHODS FOR DETECTING
TARGET ANALYTES AND
ENZYMATIC REACTIONS

) Examiner: Not Assigned

) Group Art Unit: 1743

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CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on

2/21/02

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Fern S. Marder

DECLARATION OF DAVID C. FOSTER

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

I, David C. Foster, declare and state as follows:

1. I am a Patent Agent at the law firm of Flehr Hohbach Test Albritton & Herbert LLP located in San Francisco, California. I have knowledge of, and responsibility for, the documents pertaining to the above-referenced patent application.

1

2. A Notice to file Missing Parts of Nonprovisional Application with regard to this application was issued on May 3, 2001. The two-month response date for this Notice was July 3, 2001 and the final, seven-month response date was December 3, 2001.

3. One of the inventors of the subject invention of this application, Karri Lynn Michael, changed employment and moved her residence since the time of her contribution to this invention. We were not able to ascertain her address and secure her agreement to execute the necessary documents until late in October 2001.

4. On November 6, 2001, via Federal Express, we sent the necessary formal documents, including the Declaration specifically required in the Notice, to both inventors for signature. Nevertheless, the documents were not returned to our office for timely filing with the U.S. Patent and Trademark Office before the December 3, 2001 deadline.

5. Dr. Michael signed and returned her Declaration and other documents on December 21, 2001.

6. After receiving Dr. Michael's signed Declaration, we again sent the necessary documents to the other inventor, David Walt, for his signature.

7. Had the declarations been available for timely filing before the final deadline of December 3, 2001, we would have certainly filed them in a timely manner. It was not Applicants' intention to allow this application to be abandoned.

The undersigned being hereby warned that willful false statements are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting

patent, declares that all statements made of her own knowledge are true and all statements made on information and belief are believed to be true.

Respectfully submitted,

A handwritten signature in cursive script, reading "David C. Foster", written over a horizontal line.

David C. Foster

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